

**Village of Indian Head Park  
201 Acacia Drive  
Indian Head Park, IL 60525**

**MINUTES  
VILLAGE OF INDIAN HEAD PARK  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING**

***“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”***

**Tuesday, June 5, 2012**

**7:30 P.M.**

**CALL TO ORDER – CHAIRMAN DENNIS SCHERMERHORN**

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, June 5, 2012, at the Municipal Facility, 201 Acacia Drive. Zoning Petition #176 was presented to the Commission by Mr. Joseph Schillaci, owner of the property at 14 Sweetwood Court. Mr. Schillaci is requesting approval of an amendment to the Acacia Development Planned Unit Development to allow for the construction of a new deck. The meeting was convened at 7:30 p.m. by Chairman Dennis Schermerhorn.

**ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):**

Chairman Dennis Schermerhorn  
Commissioner Diane Andrews  
Commissioner Noreen Costelloe  
Commissioner Earl O'Malley  
Commissioner Robert Tantillo  
Commissioner Jack Yelnick

**NOT PRESENT:**

Commissioner Timothy Kyzivat

**ALSO PRESENT:**

Debbie Anselmo, Zoning Trustee

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

Chairman Dennis Schermerhorn and the Planning and Zoning Commission members led the audience in reciting the Pledge of Allegiance to the Flag as follows: ***"I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all"***.

## **QUESTIONS AND/OR COMMENTS FROM INDIAN HEAD PARK RESIDENTS/PROPERTY OWNERS IN ATTENDANCE REGARDING ZONING AGENDA ITEMS**

None

**PUBLIC HEARING HELD BEFORE THE VILLAGE OF INDIAN HEAD PARK PLANNING AND ZONING COMMISSION (PUBLIC COMMENTS RECEIVED AFTER DISCUSSIONS BY THE PLANNING AND ZONING COMMISSION MEMBERS AND PRIOR TO VOTES)**

## **ZONING AGENDA ITEMS:**

- 1. Petition #176 - A Petition for an amendment to the Acacia Development Planned Unit Development regarding a new deck at 14 Sweetwood Court, Indian Head Park.**

Chairman Schermerhorn noted a zoning petition was filed with the Village by Joseph Schillaci requesting an amendment to the Acacia Planned Unit Development to allow for the construction of a new deck. He noted an amendment to the previously approved Acacia Planned Unit Development is required to build a deck that was not previously constructed under the planned development when the townhome was built. The property is located at 14 Sweetwood Court. The following exhibits were presented and reviewed by the Commission concerning this zoning petition: (1) a zoning petition form signed by Joseph Schillaci; (2) a letter of approval from the Acacia Association Architectural Committee; (3) a copy of the proposed deck design plans; (4) a memo to public works regarding posting of the zoning sign on the subject property; (5) a certificate of publication notice in the Suburban Life newspaper; (6) a plat of survey of the property showing the location of the proposed deck (7) a copy of the letter that was sent to the adjacent property owners; (8) a plan review report prepared by the Village's plan review consultant and; (9) a list of adjacent property owners within two hundred and fifty feet of the subject property;

Mr. Joseph Schillaci stated he purchased the townhome in Acacia at 14 Sweetwood Court in November of 2011 and knew at the time of purchase that the plan always to have a deck in the rear of the property between the two existing privacy walls on either side of his property, the Acacia Association has approved the proposed plans and several of the immediate adjacent neighbors have similar decks that were approved. Mr. Schillaci stated that a deck would beautify the property, it would allow his family and his grandson to enjoy the outdoor space in a confined area and the new deck will fit in with the surrounding properties that have decks.

Mr. Schillaci stated at the time an application for a permit was submitted to the Village for review and approval a report was provided that a zoning process would be needed to amend the Acacia Planned Unit Development since the deck was not originally built at the time the townhome unit was constructed. He noted that all Village code requirements would be followed to construct the deck.

Chairman Schermerhorn noted there were no letters from an adjacent property owners either in favor of granting the zoning relief requested or opposing the requested variations and amendment.

Chairman Schermerhorn stated that there is a precedent established with regard to zoning approvals granted in the Acacia Subdivision to allow for the construction of new decks that were not previously approved by the Planned Unit Development.

Commissioner Andrews stated the one of the two privacy walls on the property extends further than the other wall. She asked how far out the deck would extend into the rear yard. Mr. Schillaci responded that the deck would not extend beyond the existing privacy walls.

The Commission members reviewed the following Findings of Fact with regard to the residential property at 245 Cascade Drive to evaluate evidence presented in response to the following criteria before recommending a variation, as required by the Village's Zoning Ordinance, ***Title 17 Zoning, Section 17.23.060E***: (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located (not applicable -

- this reference pertains only to commercial properties); (2) the plight of the owner is due to unusual circumstances (all commissioners agree); (3) the variation, if granted, will not alter the essential character of the locality (all commissioners agree); (4) the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out (all commissioners agree); (5) the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification (all commissioners agree); (6) the purpose of the variation is not based upon a desire to make money out of the property (all commissioners agree); (7) the alleged difficulty or hardship has not been created by any person presently having an interest in the property (all commissioners agree) (8) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located (all commissioners agree); (9) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood (all commissioners agree).

Commissioner O'Malley moved, seconded by Commissioner Costelloe, to accept the findings of fact with regard to the zoning matter before the Planning and Zoning Commission this evening. Motion carried by unanimous roll call vote (6/0/1).

*Aye: Chairman Schermerhorn*

*Commissioners: Andrews, Costelloe, O'Malley, Tantillo, Yelnick*

*Nay: None*

*Absent: Kyzivat*

Chairman Schermerhorn entertained a motion to submit a recommendation to the Village Board to accept the petition as presented for approval. Commissioner O'Malley moved, seconded by Commissioner Costelloe, to submit a recommendation to the Village Board for approval of an amendment to the Acacia Development Planned Unit Development to allow for the construction of a new deck as proposed in the plans submitted to the Commission and that the deck must remain open on the top and sides. Carried by unanimous roll call vote (6/0/1).

*Aye: Chairman Schermerhorn*

*Commissioners: Andrews, Costelloe, O'Malley, Tantillo, Yelnick*

*Nay: None*

*Absent: Kyzivat*

Chairman Schermerhorn stated that a report will be presented to the Village Board at the next meeting and a recommendation will be provided to approve granting an amendment to the Acacia Development Planned Unit Development for the property located at 14 Sweetwood Court consistent with the plans submitted to the Commission and that the deck will not be enclosed on the top or sides.

#### **PUBLIC COMMENTS FROM THE AUDIENCE**

There were no public comments from the audience.

#### **ADJOURNMENT**

There being no further business to discuss before the Commission, Commissioner Costelloe moved, seconded by Commissioner Yelnick, to adjourn the meeting 7:50 p.m. Carried by unanimous voice vote (6/0/1).

Respectfully Submitted,  
Kathy Leach, Recording Secretary  
Planning and Zoning Commission